



Appeal Decision

Site visit made on 24 February 2023

by **L McKay MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 August 2023

Appeal Ref: APP/D1265/D/22/3305501

81 Boundary Lane, St. Leonards and St Ives, Dorset BH24 2SF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr I Hall against the decision of Dorset Council.
 - The application Ref P/HOU/2022/03141, dated 18 May 2022, was refused by notice dated 15 August 2022.
 - The development proposed is described as "Enlargement of first floor accommodation by reason of raising of existing roof ridge level, provision of dormer on the rear elevation and erecting front and rear extensions."
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) whether the proposal would be inappropriate development in the Green Belt having regard to national and local policies;
 - ii) the effect of the proposal on the openness of the Green Belt;
 - iii) whether any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. The National Planning Policy Framework (the Framework) sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It states that the construction of new buildings should be regarded as inappropriate in the Green Belt. Exceptions to this include paragraph 149c), the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
4. Policy KS3 of the Christchurch and East Dorset Local Plan Part 1 Core Strategy (CS) states the most important purposes of the Green Belt in the area and sets out requirements for changes to Green Belt Boundaries and for development on previously developed sites.

5. The Framework does not define 'disproportionate', however Saved Policy GB3 of the East Dorset Local Plan (2002) (LP) sets out that extensions to existing dwellings in the Green Belt will only be allowed where the extension does not materially change the impact of the dwelling on the openness of the Green Belt, especially through its height or bulk; and where the size and scale of the extension does not dominate the existing dwelling. It is therefore broadly consistent with the Framework.
6. The appeal dwelling was a replacement dwelling and the appellant confirms it has not been extended since construction. Therefore, having regard to the Framework definition it is the 'original building' for the purposes of Framework paragraph 149c). It is a modest bungalow with accommodation within the roof space, set on a long plot. Two timber outbuildings sit to the rear of the dwelling.
7. The parties agree that the original dwelling has a floor area of 161sqm, but disagree about the increase proposed, with the Council calculating a total proposed floor area of 341sqm and the appellant calculating it as 280sqm. Neither has provided detailed calculations, however even using the lower figure, the proposal would significantly increase the total floor area. The Council also calculates that the proposal would increase the total volume of the dwelling by 79%, again a significant increase. An assessment of size requires more than simply a mathematical calculation however, as other factors will also be relevant.
8. The proposed increase in ridge height would be modest, and comparable with the height of other dwellings nearby. However, the proposal would also extend the hipped roof to gables either side and add a long, flat roofed dormer to the rear. The result would be a significant increase in the scale and massing of the roof, altering the proportions of the dwelling.
9. The single storey rear extension would expand the footprint of the building to the rear onto a currently open expanse of hardstanding. The enlargement of the front porch would be relatively modest but would nevertheless project further forward than the existing and extend up into the roof. There would therefore only be a moderate increase in the overall footprint, taking into account removal of existing small projections. The extensions would also be spread around the structure, such that they would not dominate the dwelling.
10. Nonetheless, cumulatively the proposed extensions would add considerably to the overall bulk and massing of the dwelling, particularly above ground level. The resulting building would be similar in size and design to other dwellings in the area, however it would be significantly larger than the existing modest dwelling. Therefore, I find the proposal would result in disproportionate additions over and above the size of the original building.
11. Consequently, the proposal would be inappropriate development which the Framework states is, by definition, harmful to the Green Belt.

Openness

12. The Framework states that the essential characteristics of Green Belts are their openness and their permanence. The courts have held that openness has a spatial aspect as well as a visual aspect and that a number of factors are

capable of being relevant when it comes to applying openness to the particular factors of a specific case.

13. The proposal would enlarge the dwelling at ground floor level, extending development into what is currently an open area. The roof alterations would increase the bulk of the building at first floor level. Therefore, the proposal would reduce openness in spatial terms.
14. The rear extension and dormer would not be appreciated from public viewpoints. However, the increased bulk of the roof would change the proportions and appearance of the dwelling when seen from the front. The hip to gable enlargement would also bring the dwelling closer to No 83 at roof level, reducing the existing gap. These changes would be visible from the road above the existing boundary treatments. Therefore, the proposal would also result in a loss of openness in visual terms.
15. There are however outbuildings further to the rear on the appeal site and numerous structures at the rear of No 83. The scale of the resulting dwelling would also be visually similar to others locally, and it would be seen together with other dwellings as part of a residential area, albeit in a semi-rural setting. Therefore, the proposal would not result in development sprawl beyond the existing situation and would not result in this part of the Green Belt becoming significantly more built up.
16. Consequently, the resulting loss of openness would be minor and would result in very limited harm to the Green Belt. Nonetheless, the proposal would materially change the impact of the dwelling on the openness of the Green Belt, and therefore would conflict with LP Policy GB3.

Other considerations

17. The overall design of the proposal would be appropriate to this semi-rural area, where there are other dwellings of similar scale and appearance. The existing dwelling is not of poor quality or design however, and therefore the proposal would not result in material benefits to the character or appearance of the area. The proposal also would not harm the living conditions of neighbouring occupiers or highway safety. However, local and national planning policies expect good design in all development, therefore the lack of harm in these respects is a neutral factor in the balance for this scheme.
18. I saw that the existing roof space was being utilised as accommodation and, although it had a relatively low ceiling, there was sufficient space to stand and move around easily. The proposal would improve the head room in the roof space and extend the available accommodation. These would however be private benefits for the occupiers, therefore they carry very limited weight.
19. The appellant has referred me to a number of appeal decisions. At 7 Beech Lane¹ the Inspector found that previous extensions had already resulted in a significant increase in the size of the original dwelling and that the appeal scheme would add to the scale, increasing its depth and bulk particularly at first floor level. They concluded that even with demolition of various additions and outbuildings, the scale and form of that proposal would result in disproportionate additions to the original building and it was inappropriate development. They also considered that the proposal would harm the openness

¹ APP/U1240/D/19/3228676

of the Green Belt, but that harm would be very limited due to the context of the site. I have reached similar conclusions in the current appeal.

20. At Beech Lane there were however very special circumstances that justified granting permission, namely the condition of the existing building and a fallback position whereby more harmful extensions could be added as permitted development. Therefore, 7 Beech Lane was a materially different situation to what is before me, where the dwelling is of relatively recent construction and permitted development rights have been removed.
21. The appeal at Meriden² proposed a loft conversion to create additional accommodation. That Inspector found that although the footprint would remain broadly similar to the original dwelling, the proposal would create additional volume at first floor level, with the proposed flat roof adding bulk in comparison to the existing shallow pitched roof. The increase in overall height was considered not to be significantly greater, however the inclusion of an open roof terrace reduced volume at one end of the building. Furthermore, the Inspector took into account the removal of a projecting conservatory and porch when concluding that, overall, the proposed alterations and extensions would not result in disproportionate additions in terms of their size.
22. In the appeal before me, the existing porch and rear projection are small so would do little to offset the larger front and rear extensions proposed. The roof alterations would add bulk at the rear and on both ends. It would therefore be materially different to the Meriden scheme.
23. Further examples are mentioned at The Chase, Knutsford, White Cottage, Surrey and Bedford Gate Cottage, Woking. I have not been provided with these decisions or the other local examples cited in them, and only have limited quotes from some of the decisions. I have no details of the Green Belt policies applicable in those local authorities, or the full assessment of the schemes. It has not therefore been demonstrated that they are comparable to the appeal scheme.
24. I note however that the Inspector for White Cottage found that the height of the house would only be slightly greater than the existing and the low level eaves and hipped roof would minimise the bulk, which is not the same as in the case before me. At Bedford Gate Cottage the Inspector considered a proposed extension to be a disproportionate addition. They also noted that it was surrounded by other dwellings and concluded that the extension proposed would not harm Green Belt openness or the visual amenities of the Green Belt. The lack of any other harm was considered to constitute very special circumstances sufficient to justify granting permission. Again, this is different to this appeal proposal where I have also found harm to openness.
25. These appeal examples are therefore all materially different to the scheme before me in terms of their impacts, and do not weigh in favour the appeal proposal.

Whether very special circumstances exist

26. The proposal would be inappropriate development in the Green Belt. The proposal would not result in unrestricted sprawl or encroachment into the countryside and therefore would not conflict with these Green Belt purposes.

² APP/V1260/D/21/3276504

However, it would harm Green Belt openness, which is one of the essential characteristics of the Green Belt. In accordance with Framework paragraph 148 I give this Green Belt harm substantial weight.

27. The other considerations in this appeal carry very limited weight, and do not clearly outweigh the harm I have identified. Therefore, the very special circumstances necessary to justify the development do not exist.

Conclusion

28. The proposal would conflict with LP Policy GB3 and with Framework Green Belt policy. There are no material considerations to justify granting permission for development which conflicts with the development plan. Therefore, the appeal is dismissed.

L McKay

INSPECTOR